



05-10-04

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PATENT

Attacher's Docket No. 101103.0001US1

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Smith, Richard C. & Smith, Diann Y.**

Application No.: **10/769,158**

Filed: **January 29, 2004**

For: **AMBIDEXTROUS EARPIECE**

**Commissioner for Patents**

**P.O. Box 1450**

**Alexandria, VA 22313-1450**

### **TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT WITHIN THREE MONTHS OF FILING OR BEFORE MAILING OF FIRST OFFICE ACTION (37 C.F.R. § 1.97(b))**

### **IDENTIFICATION OF TIME OF FILING THE ACCOMPANYING INFORMATION DISCLOSURE STATEMENT**

The information disclosure statement submitted herewith is being filed within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever event occurs last. 37 C.F.R. § 1.97(b).

Date: May 6, 2004

  
\_\_\_\_\_  
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05/11/2004 HVUONG1 00000076 10769158

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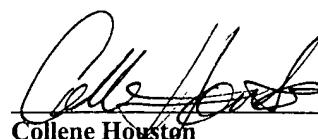
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### **CERTIFICATE OF EXPRESS MAILING OR MAILING (37 C.F.R. section 1.10/1.8(a))**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as Express Mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, bearing label no.

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Date: 5/6/04

  
\_\_\_\_\_  
Collene Houston



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# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT** (\$ 180.00)

Complete if Known	
Application Number	10/769,158
Filing Date	January 29, 2004
First Named Inventor	Richard C. Smith
Examiner Name	
Art Unit	
Attorney Docket No.	101103.0001US1

**METHOD OF PAYMENT** (check all that apply)
 Check  Credit card  Money Order  Other  None

 Deposit Account:

 Deposit Account Number  
 Deposit Account Name

502191

Rutan &amp; Tucker, LLP

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) or any underpayment of fee(s)  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1001	770	2001	385	Utility filing fee
1002	340	2002	170	Design filing fee
1003	530	2003	265	Plant filing fee
1004	770	2004	385	Reissue filing fee
1005	160	2005	80	Provisional filing fee
<b>SUBTOTAL (1) (\$)</b>				

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Extra Claims	Fee from below	Fee Paid
Total Claims	-20** =	X =
Independent Claims	- 3** =	X =
Multiple Dependent		=

Large Entity	Small Entity	Fee Description
1202	18	2202 9 Claims in excess of 20
1201	86	2201 43 Independent claims in excess of 3
1203	290	2203 145 Multiple dependent claim, if not paid
1204	86	2204 43 ** Reissue independent claims over original patent
1205	18	2205 9 ** Reissue claims in excess of 20 and over original patent
<b>SUBTOTAL (2) (\$)</b>		

\*\*or number previously paid, if greater; For Reissues, see above

**3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051	130	2051 65 Surcharge - late filing fee or oath	
1052	50	2052 25 Surcharge - late provisional filing fee or cover sheet	
1053	130	1053 130 Non-English specification	
1812	2,520	1812 2,520 For filing a request for ex parte reexamination	
1804	920*	1804 920* Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805 1,840* Requesting publication of SIR after Examiner action	
1251	110	2251 55 Extension for reply within first month	
1252	420	2252 210 Extension for reply within second month	
1253	950	2253 475 Extension for reply within third month	
1254	1,480	2254 740 Extension for reply within fourth month	
1255	2,010	2255 1,005 Extension for reply within fifth month	
1401	330	2401 165 Notice of Appeal	
1402	330	2402 165 Filing brief in support of an appeal	
1403	290	2403 145 Request for oral hearing	
1451	1,510	1451 1,510 Petition to institute a public use proceeding	
1452	110	2452 55 Petition to revive - unavoidable	
1453	1,330	2453 665 Petition to revive - unintentional	
1501	1,330	2501 665 Utility issue fee (or reissue)	
1502	480	2502 240 Design issue fee	
1503	640	2503 320 Plant issue fee	
1460	130	1460 130 Petitions to the Commissioner	
1807	50	1807 50 Processing fee under 37 CFR 1.17(q)	
1806	180	1806 180 Submission of Information Disclosure Stmt	180.00
8021	40	8021 40 Recording each patent assignment per property (times number of properties)	
1809	770	2809 385 Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810 385 For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801 385 Request for Continued Examination (RCE)	
1802	900	1802 900 Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

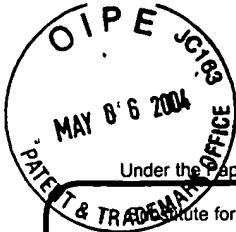
**SUBTOTAL (3) (\$)** 180.00

(Complete if applicable)

Name (Print/Type)	Norman Carte	Registration No. (Attorney/Agent)	30,455	Telephone	714-641-5100
Signature				Date	May 6, 2004

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INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet

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of

1

Complete if Known

Application Number	10/769,158
Filing Date	01/29/2004
First Named Inventor	Richard C. Smith
Art Unit	
Examiner Name	

Attorney Docket Number 101103.0001US1

## U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)				
		US-				
1	US-	D. 272,904		05/03/1984	Kawano	
2	US-	D. 383,757		05/09/1997	Deobrusskin et al.	
3	US-	D. 470,122	S	02/11/2003	Hlas, Kevin et al.	
4	US-	D. 470,123	S	02/11/2003		
5	US-	D. 469,755	S	02/04/2003		
6	US-	D. 350,961	S	09/27/1994	Aiwa Co., Ltd. & Koji, Nakamura	
7	US-	4,020,297		04/26/1977	S. Dan Brodie	
See	US-	Attachment 1				
9	US-	D. 176,810		01/31/1956	Norris, John R.	
10	US-	4,870,688		09/26/1989	Voroba, Barry et al.	
See	US-	Attachment 2				
12	US-	6,411,722	B1	06/25/2002	Wolf, Dan	
13	US-	6,035,961		03/14/2000	Sun, Ming-Han	
14	US-	4,878,560		11/07/1989	Scott, Robert T.	
15	US-	4,724,922		02/16/1998	Kalayjian, Robert W.	
See	US-	Attachment 3				
	US-					

## FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)					

Examiner Signature		Date Considered
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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## Addendum

### Attachment 1

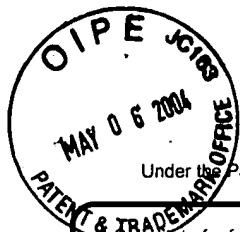
- a. 8
- b. D. 237,090
- c.
- d. 10/07/1975
- e. Ashida Onkyo Kabushiki Kalsha & Haruo Yanagawa
- f.

### Attachment 2

- a. 11
- b. 6,386,314
- c. B1
- d. 05/14/2002
- e. Natus Medicla, Inc. & Sheeham, Neil J. et al.
- f.

### Attachment 3

- a. 16
- b. 4,864,610
- c.
- d. 09/05/1989
- e. ACS Communications, Inc. & Stevens, Toni R.
- f.



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## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet

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of

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### Complete if Known

Application Number	10/769,158
Filing Date	01/29/2004
First Named Inventor	Richard C. Smith
Art Unit	
Examiner Name	

Attorney Docket Number 101103.0001US1

### NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	A	OTTO COMUNICATIONS Advertisement, "Stick It In Your Ear", Law Enforcement Technology, July 1998, p. 55.	
	B	OTTO COMUNICATIONS Advertisement/Brochure Insert, "Which Communication Product Isn't Offered By Otto?"Carpentersville, IL.	
	C	OTTO COMUNICATIONS Product Brochure, "Your Specialist in Two-Way Radio Accessories"	

Examiner Signature	Date Considered
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<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

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